



Winston H. Hickox
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Protection

California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Bill Palermo
Conejo Recreation & Park District
155 E. Wilbur Road
Thousand Oaks, CA 91360

CONDITIONAL CERTIFICATION FOR PROPOSED EL NIÑO STORM DAMAGE REPAIRS - NORTH FORK ARROYO CONEJO CREEK (CORPS' PROJECT NO. 2001-00082-SDM), CITY OF THOUSAND OAKS, VENTURA COUNTY (FILE NO. 01-129)

Dear Mr. Palermo:

Regional Board staff has reviewed your request on behalf of the Conejo Recreation & Park District (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 14, 2001.

I hereby certify that there is a reasonable assurance that the discharge from the **El Niño Storm Damage Repairs - North Fork Arroyo Conejo Creek**, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits

Should you have questions concerning this certification action, please contact Anthony Klecha, Lead, Section 401 Program, at (213) 576-6785, or Jason Lambert at (213) 576-5733.

[Original signed by]

[January 10, 2002]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information File No. 01-129

1. Applicant: Conejo Recreation & Park District
155 E. Wilbur Road
Thousand Oaks, CA 91360
Phone: (805) 495-6471 Fax: (805) 497-3199
2. Applicant's Agent: None
3. Project Name: El Niño Storm Damage Repairs – North Fork Arroyo Conejo Creek
4. Project Location: City of Thousand Oaks, Ventura County
5. Type of Project: Repair and restoration
6. Project Description: The proposed project involves the repair of five (5) washed-out areas along North Fork Arroyo Conejo Creek (also called Wildwood Creek) within the City of Thousand Oaks on lands operated by the Conejo Recreation & Park District. The proposed repairs are as follows:
 - Project Site 1: Wildwood Dam Apron Repair:
Portions of the existing concrete riprap apron will be removed and demolished and a new concrete cutoff wall will be constructed from the remaining portion of the apron to bedrock;
 - Project Site 2: Streambank Restoration:
A ten-foot retaining wall will be constructed using Enviro-Block™ concrete block. Fill will be placed behind the retaining wall and native vegetation will be planted on the slope above the wall;
 - Project Site 3: Gabion Repair:
An existing rock gabion structure will be extended five feet deep into the bank and backfilled with rock riprap;
 - Project Site 4: Waterfall Access Repair – Paradise Falls:
The damaged portion of the stairway will be reconstructed with a concrete foundation; rock riprap will be placed along the toe of the slope; and the slope will be regraded and revegetated with native species; and

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- Project Site 5: Shenandoah Bridge Abutment Protection:
The pipe and wire gabion structures will be reconstructed and anchored into the banks at both the upstream and downstream ends. The area behind the revetment will be backfilled with soil and willow bundles to promote re-growth of woody species.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP Nos. 3, 13 and 33 (Permit No. 2001-00082-SDM) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game (CDFG)
Streambed Alteration Agreement (Notification No. 5-2001-0228) |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) |
| 10. Receiving Water: | North Fork Arroyo Conejo Creek (Hydrologic Unit No. 403.64) |
| 11. Designated Beneficial Uses: | MUN, AGR, GWR, REC-1, REC-2, WARM, WILD, SPWN |
| 12. Impacted Waters of the United States: | Non-wetland waters (vegetated streambed): 0.05 permanent and 0.22 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has proposed to repair two additional washed-out areas along Lang Creek, on lands operated by the Conejo Recreation & Park District. The first of which will occur at the Old Meadow Park Soccer Field. Proposed repairs include excavation and installation of rock riprap. The second area involves the construction and backfill of an Environ-Block™ retaining wall system at Paige Lane. The Regional Board is concurrently reviewing the above project under separate certification. |

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15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Any low flows will be diverted through or around the construction sites by the contractor using approved BMPs such as sand bags or pipes;
- At Project Site 2, native vegetation will be planted above the slope above the retaining wall, including vines to hang over the face of the wall;
- At Project Site 4, a sand bag or hay bale pollution barrier will be placed along the stream to prevent sedimentation during construction;
- At Project Site 5, the area behind the revetment will be backfilled with soil and willow bundles to promote re-growth of woody species; and
- The Applicant has proposed to restore and revegetate all temporarily disturbed areas with native plants common to the vicinity.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to restore a total area of 1.89 acres of streambed/riparian habitat, corresponding to mitigation ratios of 5:1 and 3:1 to offset the proposed permanent and temporary impacts, respectively (based on CDFG jurisdictional areas). Restoration will include the revegetation of degraded, stripped or exposed areas within the banks, bed, and channel of the stream (including construction areas, access roads, etc.) with native vegetation local to the area.

ATTACHMENT B

Conditions of Certification File No. 01-129

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit. **This document shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.

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5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.22 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. Where technically feasible, the Applicant shall conduct the proposed repair activities, specifically, operate any **motorized equipment**, from the top of the respective stream banks. Any project activities that occur within the channels shall be kept to a minimum.

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Conditions of Certification File No. 01-129

9. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent loss of **0.05 acres** and the proposed temporal loss of **0.22 acres** of waters of the United States by restoring a minimum of **1.89 acres** of streambed/riparian habitat (corresponding to mitigation ratios of 5:1 and 3:1, respectively, based on CDFG jurisdictional areas). Restoration shall include the revegetation of degraded, stripped or exposed areas within the banks, bed, and channel of the stream (including construction areas, access roads, etc.) with native vegetation local to the area.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-129**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.